IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 19828 OF 2005

Date: 03.10.2005

BETWEEN:

Smt. Savitramma

.... PETITIONER

And

1. The District Collector, Mhabubnagar, Mahabubnagar District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 19828 OF 2005

ORDER:

The petitioner and the fifth respondent are claiming house-site in Plot No.61 in S.No.1 admeasuring 225 Sq. yards. It appears initially the said house site was allotted to the fifth respondent in the year 1982, which was subsequently re-allotted to the petitioner in 1992. The third respondent herein submitted proposals to the second respondent on 15.7.2005 for cancellation of house site patta granted to the petitioner. The second respondent without issuing any notice (as alleged by the petitioner) cancelled the house site patta No.A-6274/92 issued to the petitioner on the ground that she filed suit being O.S.No.52 of 2003 on the file of the Court of Junior Civil Judge, Kodangal and obtained interim

injunction. The petitioner was also directed not to interfere with the allotment and possession of the house-site patta allotted to the fifth respondent.

In assailing the proceedings dated 25.7.2005 of the Revenue Divisional Officer (RDO) two submissions are raised by the learned counsel for the petitioner that the impugned proceedings are not preceded by any notice, and that it is not competent for the RDO to cancel the house site patta. **Per contra**, the learned Assistant Government Pleader submits that notice was issued to the petitioner but she did not respond to the same. However, the learned Assistant Government Pleader is not able to deny that when once house site patta is granted by the Mandal Revenue Officer (MRO), it was improper for the RDO, who is appellate authority, to cancel the house site patta. For this reason alone the matter requires to be reconsidered by the competent authority, namely, the MRO, Damargidda Mandal.

In the result, without expressing any opinion on the merits of the case, this Writ Petition is disposed of at the admission stage setting aside the impugned proceedings of the RDO and remitting the matter to MRO. The MRO, the third respondent herein, is directed to give notice to the petitioner and fifth respondent and dispose of the matter after considering the entire material, within a period of six weeks from the date of receipt of a copy of this order.

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(**V.V.S. RAO, J.)**

3rd October, 2005

js.